
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 171

Session of
1977

INTRODUCED BY MESSRS. MEBUS, ZEARFOSS, PYLES AND SCIRICA,
FEBRUARY 8, 1977

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 8, 1977

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for the use of electronic speed
3 timing devices and for the disposition of certain fines,
4 penalties and forfeitures.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Sections 3368 and 6505 of Title 75, act of
8 November 25, 1970 (P.L.707, No.230), known as the Pennsylvania
9 Consolidated Statutes, added June 17, 1976 (No.81), are amended
10 to read:

11 § 3368. Speed timing devices.

12 (a) Speedometers authorized.--The rate of speed of any
13 vehicle may be timed on any highway by a police officer using a
14 motor vehicle equipped with a speedometer. In ascertaining the
15 speed of a vehicle by the use of a speedometer, the speed shall
16 be timed for a distance of not less than three-tenths of a mile.

17 (b) Testing of speedometers.--The department may appoint
18 stations for testing speedometers and may prescribe regulations
19 as to the manner in which the test shall be made. Speedometers

1 shall have been tested for accuracy within a period of 60 days
2 prior to the alleged violation. A certificate from the station
3 showing that the test was made, the date of the test and the
4 degree of accuracy of the speedometer shall be competent and
5 prima facie evidence of those facts in every proceeding in which
6 a violation of this title is charged.

7 (c) Mechanical, electrical and electronic devices
8 authorized.--

9 (1) The rate of speed of any vehicle may be timed on any
10 highway by a police officer using a mechanical or electrical
11 speed timing device.

12 (2) Electronic devices such as radio-microwave devices
13 (commonly referred to as electronic speed meters or radar)
14 may be used [only] by members of the Pennsylvania State
15 Police and by members of municipal police forces comprised of
16 ten or more full-time officers employed by a municipality
17 with a population, as determined by the latest United States
18 Census, of 20,000 or more. No electronic device shall be used
19 by a municipal police officer until such time as the officer
20 has successfully completed a training course in the use of
21 such electronic device as prescribed by the Commissioner of
22 the Pennsylvania State Police and has been certified as a
23 qualified operator of said electronic device by the
24 commissioner. Qualified operators of eligible municipal
25 police forces may time the rate of speed of any vehicle using
26 electronic devices on any highway, excluding the Pennsylvania
27 Turnpike System, limited access highway and free access
28 divided highways, except where such facilities are patrolled
29 by municipal police forces under the terms of an agreement
30 with the Pennsylvania State Police. All electronic speed

1 timing devices purchased by the Pennsylvania State Police or
2 any authorized municipal police force shall be of a type that
3 provides a print out. No person may be convicted upon
4 evidence obtained through the use of such devices unless the
5 speed recorded is six or more miles per hour in excess of the
6 legal speed limit.

7 (d) Approval and testing of mechanical, electrical and
8 electronic devices.--All mechanical, electrical or electronic
9 devices shall be of a type approved by the department, which
10 shall appoint stations for calibrating and testing the devices
11 and may prescribe regulations as to the manner in which
12 calibrations and tests shall be made. The devices shall have
13 been tested for accuracy within a period of 60 days prior to the
14 alleged violation. A certificate from the station showing that
15 the calibration and test were made within the required period,
16 and that the device was accurate, shall be competent and prima
17 facie evidence of those facts in every proceeding in which a
18 violation of this title is charged.

19 § 6505. Disposition of fines and forfeitures.

20 (a) State Police enforcement.--When prosecution under the
21 provisions of this title is the result of State Police action,
22 all fines and penalties and all bail forfeited shall be paid to
23 the Department of Revenue, transmitted to the State Treasury and
24 credited to the Motor License Fund. One-half of the revenue
25 shall be paid to municipalities in the same ratio provided in
26 section 4 of the act of June 1, 1956 (P.L.1944, No.655),
27 relating to partial allocation of liquid fuels and fuel use tax
28 proceeds.

29 (b) Local police enforcement in general.--When prosecution
30 under the provisions of this title, except for parking, and as

1 provided in subsection (d) is the result of local police action,
2 one-half of all fines and penalties and all bail forfeited shall
3 be paid to the political subdivision under which the local
4 police are organized and one-half to the Department of Revenue,
5 transmitted to the State Treasury and credited to the Motor
6 License Fund.

7 (c) Local police enforcement of parking.--When prosecution
8 under the provisions of this title for parking is the result of
9 local police action, all fines and penalties and all bail
10 forfeited shall be paid to the political subdivision under which
11 the local police are organized.

12 (d) Local police enforcement by electronic device.--When
13 prosecution under the provisions of this title is obtained by
14 local police by the use of an electronic device as authorized by
15 section 3368(c)(2) (relating to speed timing devices), all fines
16 and penalties and all bail forfeited shall be paid to the
17 Department of Revenue, transmitted to the State Treasury and
18 credited to the Motor License Fund.

19 Section 2. The provisions of this act requiring print out
20 capability for electronic speed timing devices shall not apply
21 to equipment in service as of the effective date of this act.

22 Section 3. This act shall take effect July 1, 1977 or
23 immediately, whichever is later.